

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Susan Ball, and Jan Witteried,)
Administrators of the Estate of Donald)
Hedstrom,)
Plaintiff,)
v.)
Cherie Kotter, the Kotter Family Trust,) NO. 08-CV-1613
and Hope Geldes,) Honorable Robert M. Dow, Jr.
Defendants.)
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PLAINTIFF'S STATUS REPORT

Plaintiff, the estate of Donald Hedstrom, by and through its attorneys, Michaels & May, P.C., state as follows regarding the initial status of the action filed against Cherie Kotter, the Kotter Family Trust and Hope Geldes:

Attorneys of Record

For the Plaintiff: Neal Thompson, Jan Michaels, John Duczynski, Jeremy Schulze, all of Michaels & May, P.C.

For Defendant Hope Geldes: Daniel Ephraim Tranen of Wilson, Elser, Moskowitz, Edelman & Dicker LLP.

Jurisdiction

The parties are diverse for purposes of the federal diversity statute. Plaintiff is a legal resident of Florida, the Defendants are residents of Illinois and Indiana.

Nature of the Claims Asserted

Plaintiff asserts that the Defendants each breached fiduciary duties owed to the Plaintiff in connection with the purchase of two condo units.

Service of Process

Attorneys for Ms. Geldes have executed a valid waiver of service of summons. Ms. Geldes' Answer is due May 28, 2008.

Although Ms. Kotter has received a waiver of service by certified mail and has discussed the complaint with Ms. Geldes or her attorneys, she has not executed the waiver. Plaintiffs' process servers have not yet executed physical service upon Ms. Kotter.

Principal Legal Issues

The principal legal issues involve the scope of the fiduciary duties of attorneys and real estate brokers owe their clients in real estate transactions.

Principal Factual Issues

The principal fact issues involve the content of communications between the Plaintiff and the Defendants in two condo purchase transactions.

Settlement

No serious settlement discussions have taken place to date. Plaintiff is amenable to such discussions.

Discovery

No discovery has been taken to date. Ms. Geldes provided representatives of the estate with what was represented to be her file with regards to one of the two transactions prior to the filing of this lawsuit. It is difficult to evaluate the length of

discovery without the benefit of an answer to the Complaint. Plaintiff anticipates taking document discovery and oral depositions of Ms. Geldes and Ms. Kotter.

Motion Practice

Both parties anticipate filing motions for summary judgment.

Trial

Plaintiff requests a bench trial, which it anticipates will last approximately one day.

Settlement

The parties have not engaged in any substantive settlement negotiations. Plaintiff would request a settlement conference after the close of discovery.

DATED: May 19, 2007

Respectfully submitted,



/s Neal Thompson

One of the Attorneys for the Estate of Donald Hedstrom, through Estate Administrators Susan Ball and Jan Witteried

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